

place for a period exceeding six or seven years.

The members of the Subordinate Engineering Service and Subordinate Electrical and Mechanical Engineering Service employed in the Tarai area for more than four years should be transferred else-where.

State and Specialist services

Punishment, Appeals, etc.

122. Rules regarding punishments and appeals in respect of the members of the State and Specialist Services are contained in parts XII and XIII of the Civil Services (Classification, Control and Appeal) Rules.

Subordinate Services

Suspension

123. A government servant against whose conduct an inquiry is contemplated, or is proceeding, may be placed under suspension pending the conclusion of the inquiry in the discretion of the appointing authority:

Provided that in the case of any government servant or class of government servants, not belonging to a State service, the appointing authority may delegate its power under this rule to the next lower authority.

Note—As a rule, suspension should not be resorted to unless the allegations against the government servant are so serious that, in the event of their being established, they may ordinarily be expected to warrant his dismissal, removal or reduction. Suspension, where deemed necessary, should, as far as possible, immediately precede the framing of charges and their communication to the government servant charged.

124. Where, in the case of a government servant placed under suspension, as provided hereinbefore, the inquiry into his conduct results in his dismissal or removal from service, the order of dismissal or removal shall take effect from the date on which the suspension had come into effect. In other cases in which the inquiry does not result in the removal or dismissal of the government servant concerned, his suspension will be deemed to have been covered under clause (v) of para 127 below.

125. The rules regarding subsistence allowance of the person suspended and the treatment of the periods spent under

suspension are contained in Fundamental Rules 53 to 55, Financial Handbook, Volume II, Part II.

126. Officers should at all times exercise fair consideration in allowing persons under suspension to reside from time to time at the place most convenient to them, subject, of course, to liability to attend when and where they may be required for the investigation of their cases.

Punishment

127. (1) Without prejudice to the provisions of any law, for the time being in force, Government have delegated powers to inflict the following punishments on members of the subordinate services to every officer who is competent under existing orders to appoint them with or without reference to, or with or without the sanction of, higher authority—

Appointment Department notification no. 2627/II—264, dated August 3, 1932, as amended from time to time.

- (i) censure;
- (ii) withholding of increments, including stoppage at an efficiency bar;
- (iii) reduction to a lower post or time-scale or to a lower stage in a time-scale;
- (iv) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders;
- (v) suspension;
- (vi) removal from the civil service of the State which does not disqualify for future employment; or
- (vii) dismissal from the civil service of the State which ordinarily disqualify for future employment.

Explanation:

(a) The power delegated by this rule is subject to the provisions of clause (1) of Article 311 of the Constitution of India under which no officer may be removed or dismissed by an authority subordinate to the authority which appointed him.

(b) The discharge—

- (i) of a person appointed on probation during or at the end of the period of probation in accordance with

the terms of the appointment and the rules governing the probationary service; or

(ii) of a person appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of the appointment; or

(iii) of a person engaged under contract, in accordance with the terms of his contract;

does not amount to removal or dismissal within the meaning of this rule.

(2) Government have further delegated powers to Executive Engineers to inflict all the punishments mentioned in sub-paragraph (1), except removal or dismissal, on members of a subordinate service appointed by Superintending Engineers and on divisional head clerks appointed by the Chief Engineer, provided that, when an Executive Engineer reduces a member of a subordinate service appointed by an authority higher than himself, he shall report his action to the Superintending Engineer.

(3) Government have also delegated powers to Superintending Engineers to inflict all the punishments mentioned in sub-paragraph (1), except removal or dismissal, on members of the Subordinate Engineering Service and the Subordinate Electrical and Mechanical Engineering Service appointed by the Chief Engineer. The Superintending Engineer shall report his action to the Chief Engineer when he reduces a member of a subordinate service appointed by the latter authority.

128. The procedure laid down in rule 55* of the Civil

*Rule 55 of the Civil Services (Classification, Control and Appeal) Rules—

"55. Without prejudice to the provisions of the Public Servants Inquiries Act, 1850, no order (other than an order based on facts which had led to his conviction in a criminal court or by a court martial) of dismissal, removal or reduction in rank (which includes reduction to a lower post or time-scale, or to a lower stage in a time-scale but excludes the reversion to lower post of a person who is officiating in a higher post) shall be passed on person who is a member of a Civil Service or holds a Civil post under the State unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced in the form of a definite charge or charges which shall be communicated to the person charged and which shall be so clear and precise as to give sufficient indication to the charged government servant of the facts and circumstances against him. He shall be required, within a reasonable time, to put in a written state-